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FEB 09 2007

OFFICE OF PETITIONS

| | |
|----------------------------|--------------------------|
| In re | : |
| Shanklin, et al. | : |
| Application No. 09/753,136 | : DECISION REGARDING |
| Filed: December 29, 2000 | : PATENT TERM ADJUSTMENT |
| Patent No. 7,115,273 | : AND NOTICE OF INTENT |
| Issued: October 3, 2006 | : TO ISSUE CERTIFICATE |
| | : OF CORRECTION |

This decision is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed August 21, 2006, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is GRANTED.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **four hundred and seventeen (417) days**.

Applicants have 30 days to respond to this agreement if applicant disagrees with this decision. No extensions of time are available under 37 CFR 1.136.

The Office determined a patent term adjustment of seven hundred fifty-seven (757) days based on an adjustment for PTO delay of thirteen (13) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), three hundred seventy (370) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(4), and

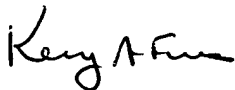
six hundred twenty-six (626) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.703(b) reduced by thirty-five (35), forty-one (41), eighty-nine (89), and eighty-seven (87) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(b).

A review of the record indicates that applicants should have been assessed a delay from the date of the initial filing of an appeal brief(2/11/05) until the date the correct brief was filed (1/17/06). See 37 CFR 1.704(c)(8). The amount of delay pursuant to 37 CFR 1.704(c)(8) is 340 days. The Office notes that additional USPTO delay is failing to reply to the filing of the appeal brief on 2/11/05 until December 16, 2005. See 37 CFR 1.702(a)(2). The amount of delay 188 days. Furthermore, the 370 day assessment against the Office is in error because the Office replied to the applicant amendment of 5/9/06 on 5/22/2006, within four months under 37 CFR 1.702(a)(2). Accordingly, the correct amount of PTA at the time of the issuance of the patent is $417(1009-(340+87+89+41+35)=417)$ days.

No fee has been charged. The Office thanks applicants for their good faith and candor in bringing this matter to the Office's attention.

The matter is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **four hundred and seventeen (417) days**, subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,115,273 B2
DATED : October 3, 2006
INVENTOR(S) : Shanklin, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (757) days

Delete the phrase "by 757 days" and insert – by ^{4.7} days—

Day : Thursday

Date: 2/8/2007
Time: 12:34:24**PALM INTRANET****PTA Calculations for Application: 09/753136**

| | | | |
|--------------------------|------------|-------------------------|------|
| Application Filing Date: | 12/29/2000 | PTO Delay (PTO): | 1009 |
| Issue Date of Patent: | 10/03/2006 | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 252 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 417 |
| PTO Delay Adjustment: | -340 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|---|-----|------|-------|
| 65 | 02/08/2007 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 60 | |
| 64 | 02/08/2007 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 280 | |
| 60.5 | 09/13/2006 | PTA 36 MONTHS | 626 | | |
| 60 | 10/03/2006 | PATENT ISSUE DATE USED IN PTA CALCULATION | | | |
| 59 | 08/29/2006 | EXPORT TO FINAL DATA CAPTURE | | | |
| 58 | 08/28/2006 | DISPATCH TO FDC | | | |
| 57 | 08/25/2006 | APPLICATION IS CONSIDERED READY FOR ISSUE | | | |
| 56 | 08/21/2006 | ISSUE FEE PAYMENT VERIFIED | | | |
| 55 | 08/21/2006 | ISSUE FEE PAYMENT RECEIVED | | | |
| 54 | 07/17/2006 | FINISHED INITIAL DATA CAPTURE | | | |
| 53 | 05/26/2006 | EXPORT TO INITIAL DATA CAPTURE | | | |
| 52 | 05/22/2006 | MAIL NOTICE OF ALLOWANCE | 370 | | 36 |
| 51 | 05/17/2006 | ISSUE REVISION COMPLETED | | | |
| 50 | 05/17/2006 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 49 | 04/02/2001 | REFERENCE CAPTURE ON IDS | | | |
| 48 | 05/17/2006 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 47 | 12/13/2002 | REFERENCE CAPTURE ON IDS | | | |
| 46 | 05/15/2006 | NOTICE OF ALLOWABILITY | | | |
| 45 | 05/17/2006 | DATE FORWARDED TO EXAMINER | | | |
| 44 | 05/09/2006 | AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL | | | |
| 42 | 04/02/2001 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| | | EXAMINER INTERVIEW SUMMARY RECORD | | | |

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|------|------------|--|--|----|----|
| 41 | 04/25/2006 | (PTOL - 413) | | | |
| 40 | 04/02/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 39 | 04/18/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 38 | 04/17/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 37 | 01/31/2006 | DATE FORWARDED TO EXAMINER | | | |
| 36 | 01/17/2005 | APPEAL BRIEF FILED | | | |
| 35 | 12/16/2005 | NOTICE -- DEFECTIVE APPEAL BRIEF | | | |
| 34 | 03/16/2005 | DATE FORWARDED TO EXAMINER | | | |
| 33.1 | 02/11/2005 | DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED | | | |
| 33 | 02/11/2005 | APPEAL BRIEF FILED | | | |
| 32 | 02/11/2005 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 31 | 11/12/2004 | NOTICE OF APPEAL FILED | | 87 | 29 |
| 30 | 11/12/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 29 | 05/17/2004 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 28 | 05/14/2004 | FINAL REJECTION | | | |
| 27 | 03/04/2004 | IFW AMENDED CASE PROCESSING COMPLETE | | | |
| 26 | 03/04/2004 | DATE FORWARDED TO EXAMINER | | | |
| 25 | 02/09/2004 | RESPONSE AFTER NON-FINAL ACTION | | 89 | 23 |
| 24 | 02/09/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 23 | 08/12/2003 | MAIL NON-FINAL REJECTION | | | |
| 22 | 08/11/2003 | NON-FINAL REJECTION | | | |
| 21 | 05/06/2003 | DATE FORWARDED TO EXAMINER | | | |
| 20 | 04/30/2003 | APPEAL BRIEF FILED | | | |
| 19 | 04/30/2003 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 18 | 02/12/2003 | NOTICE OF APPEAL FILED | | 41 | 14 |
| 17 | 02/12/2003 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 16 | 12/13/2002 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 15 | 12/11/2002 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 14 | 10/02/2002 | MAIL NON-FINAL REJECTION | | | |
| 13 | 10/01/2002 | NON-FINAL REJECTION | | | |
| 12 | 07/27/2002 | DATE FORWARDED TO EXAMINER | | | |

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|----|------------|---|----|----|----|
| 11 | 07/18/2002 | RESPONSE AFTER NON-FINAL ACTION | | 35 | 9 |
| 10 | 07/18/2002 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 9 | 03/13/2002 | MAIL NON-FINAL REJECTION | 13 | | -1 |
| 8 | 03/11/2002 | NON-FINAL REJECTION | | | |
| 7 | 05/30/2001 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 6 | 05/14/2001 | APPLICATION DISPATCHED FROM OIPE | | | |
| 5 | 02/15/2001 | APPLICATION IS NOW COMPLETE | | | |
| 4 | 02/15/2001 | NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED | | | |
| 3 | 02/14/2001 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 2 | 01/19/2001 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 12/29/2000 | INITIAL EXAM TEAM NN | | | |

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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